IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3410 OF 2004
IN
FIRST APPEAL NO.564 OF 2007

The State of Maharashtra ...Applicant

vs.

Subhash Jaysing Jadhav and Anr. ...Respondents

Mr.Y.M.Nakhwa,A.G.P. for State
Mr.Dilip Bodake for Respondent No.1
Mr.Sandesh Patil for Respondent No.2.

CORAM: A.S.OKA,J.
DATE : MARCH 8,2007.

P.C.:

1. Heard Advocate for the Applicant and the Advocates for the first Respondent and the second Respondent. Prima facie, it appears to me that the quantum of compensation is on the higher side. However, the Applicant will have to deposit the said amount as a condition for grant of stay. The first Respondent will have to be permitted to withdraw a reasonable amount.

2. Hence, Application is disposed of by passing the following order:

i) There will be interim relief in terms of prayer clause (b) subject to the Applicant depositing the entire decretal amount due and payable with the concerned Tribunal within a period of twelve weeks from today.

ii) If compliance is not made within stipulated time, interim stay will stand vacated without reference to the court. If amount is deposited, the first Respondent-claimant will be permitted to withdraw a sum of Rs.75,000/- without security and a further amount of Rs.75,000/- on furnishing adequate security to the satisfaction of the Tribunal.

iii) Rest of the amount deposited by the Applicant will be invested in fixed deposit in any nationalised bank initially for a period of three years and the fixed deposit shall be renewed from time to time till final disposal of the Appeal. No order as to costs.

JUDGE